

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re
GTI CAPITAL HOLDINGS, L.L.C., and
Arizona limited liability company dba
ROCKLAND MATERIALS,
Debtor.

GRANT H. GOODMAN and TERI B. GOODMAN, husband and wife (as Guarantors-Sureties for GTI Capital Holdings, LLC, G.H. Goodman Invest. Co., LLC (Arizona limited liability companies) West Highland Water & Power, LLC (a Delaware limited liability company); Plaintiff.

v.
CALIFORNIA PORTLAND CEMENT COMPANY (a California corporation, dba Arizona Portland Cement Company); BOMBARDIER CAPITAL, INC., EMPIRE SOUTHWEST, LLC (a Delaware limited liability company); COMERICA BANK (a Texas-Michigan Banking Corp.); David M. Reaves, Esq. (Trustee); Michael W. Carmel, Ltd., (Trustee Special Counsel); John R. Clemency, Esq. (lead counsel-joint defense w/CPCC, BCI, Empire S.W. Comerica Bank, G.E. Capital/CitiCapital Technologies); LEWIS & ROCA LLP; GREENBERG TRAURIG, LLP;

In Proceedings Under Chapter 7
Case No. 2:03-bk-07923-SSC

Adv. No. 08-ap-00464
Adv. No. 08-ap-00471
(consolidated)

**ORDER INCORPORATING
MEMORANDUM
DECISION DATED NOVEMBER 19,
2008 AND SETTING HEARING**

1 Based upon this Court's Memorandum Decision dated November 19, 2008, which
2 is incorporated herein by reference:

3 **IT IS ORDERED** that the Dismissal Order concerning the Independent Actions
4 is amended for the Court to hear and determine the Defendants' requests for attorneys' fees and
5 costs under Fed. R. Civ. P. 37 (a)(5)(B).

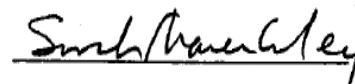
6 **IT IS FURTHER ORDERED** that the Court will set a further hearing on the
7 matter on December 9, 2008, at 1:30 p.m. in Courtroom 701, United States Bankruptcy Court,
8 230 N. First Avenue, 7th Floor, Phoenix, Arizona 85003. Any response to one or more of the
9 Request for Attorneys' Fees shall be served and filed at least fourteen (14) days prior to the
10 hearing date. Replies, if any, shall be served and filed at least seven (7) days prior to the hearing
11 date.

12 IT IS FURTHER ORDERED directing the Clerk's Office to provide immediate
13 notice of this Order to all interested parties.

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15 DATED this 19th day of November, 2008.

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19 The Honorable Sarah Sharer Curley
20 United States Bankruptcy Judge

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22 BNC TO NOTICE